IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 8857 OF 2004

Appasaheb P. Jangonda. ..Petitioner.

vs.

Shri. Ramu I Birajdar and ors. ..Respondents.

Mr. N.V. Vechalekar for Petitioner.

Mr. Amit Sale for Respondent No.1.

Mr. A.H.Palekar, AGP for State.

CORAM: D.B. BHOSALE, J.
DATED: 24/11/2004.

P.C.

1. The petitioner has been declared disqualified as a member of the Gram Panchayat on the ground that he fathered the third child after the relevant date as contemplated under Section-14(1)(J)(i). The petitioner was elected as a member of the Village Panchayat in October,2003. According to him the first child namely Udaykumar was born on 15.6.1995 and he got the second child Kusum on 25.5.2002. He has denied the paternity of Shrishel who was born on 11.6.2001. Respondent No.1 in his complaint has, however, categorically stated that the petitioner has three children and produced birth certificates of all the three children showing

that they are all of the petitioner. Mr. Vehcalekar, learned counsel for the petitioner, however, submitted that Shrishel is not the petitioner's child and that he is the son of his brother. Petitioner's brother has filed affidavit stating that he has fathered Shrishel and his birth date is 11.6.2001. However, except a bare statement on affidavit the petitioner has not produced any other document such as birth certificate showing that Shrishel is his brother's son. The Commissioner has considered all the documents produced on record and accepted the objection raised by the respondent in his complaint. The Commissioner has held that Shrishel is a son of the petitioner. Considering the finding of fact recorded by the Commissioner and as I find that there is sufficient material/evidence on record to sustain this finding and considering extremely limited jurisdiction of this court under Article 227 of the Constitution of India to disturb the finding of fact, in my opinion, the present writ petition has no merit and it is dismissed as such.

(D.B. BHOSALE, J.)